

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

400C0318

HOUSE BILL NO. 1048

Introduced by: The Committee on Commerce at the request of the Department of Commerce
and Regulation

1 FOR AN ACT ENTITLED, An Act to establish within the Board of Chiropractic Examiners a
2 disciplinary committee and an ethics committee and to increase and establish certain fees
3 regarding chiropractors.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That § 36-5-11 be amended to read as follows:

6 36-5-11. The fee for the license shall be set in a rule promulgated by the Board of
7 Chiropractic Examiners pursuant to chapter 1-26 and may not exceed ~~one hundred~~ three hundred
8 fifty dollars. The fee shall be paid to the secretary-treasurer of the board when the application
9 is submitted.

10 Section 2. That § 36-5-14.1 be amended to read as follows:

11 36-5-14.1. Each person receiving a license under the provisions of this chapter shall procure
12 from the secretary-treasurer of the Board of Chiropractic Examiners on or before the ~~fifteenth~~
13 ~~day of February~~ thirty-first day of December of each year, a renewal of license. ~~Such~~ The
14 renewal shall be issued by the secretary-treasurer upon payment of the fee to be fixed in a rule
15 promulgated by the board pursuant to chapter 1-26, not exceeding the sum of ~~one hundred three~~
16 hundred fifty dollars. The renewal license shall be in the form of a receipt acknowledging

1 payment of the required fee and signed by the secretary-treasurer and shall be issued only to
2 persons certified by the South Dakota Chiropractors Association as members in good standing
3 as defined in § 36-5-18.

4 Section 3. That § 36-5-19 be amended to read as follows:

5 36-5-19. The board of examiners may act as a peer review committee or may appoint other
6 ~~licensed~~ chiropractors licensed to practice in this state to perform such function to maintain the
7 professional standards of the board. No monetary liability on the part of, and no cause of action
8 for damages may arise against any member of a duly appointed peer review committee ~~comprised~~
9 ~~of chiropractors licensed to practice in this state~~, for any act or proceeding undertaken or
10 performed within the scope of the functions of such committee ~~formed to maintain the~~
11 ~~professional standards of the board of examiners as provided in rules promulgated by the board~~
12 ~~pursuant to chapter 1-26~~, if the committee member acts without malice, has made a reasonable
13 effort to obtain the facts of the matter on which the member acts, and acts in reasonable belief
14 that the action taken is warranted by the facts as known by the member after a reasonable effort
15 to obtain facts. The provisions of this section do not affect the official immunity of an officer or
16 employee of a public corporation. The contested case provisions of chapter 1-26 do not apply
17 to activities of the peer review committee. All licensees shall, as a condition of licensure, fully
18 cooperate with and promptly respond to inquiries and requests from the committee. The
19 recommendations of the committee as to necessity for services of a licensee, and as to
20 reasonableness of charges and procedures shall be reported to the person who requested the
21 review and one member of the board of examiners as designated by the board. The peer review
22 committee may, by rules promulgated pursuant to chapter 1-26, establish a fee, not to exceed
23 seven hundred fifty dollars, to defray the cost of the review.

24 Section 4. That chapter 36-5 be amended by adding thereto a NEW SECTION to read as
25 follows:

1 The board of examiners may act as a disciplinary committee or may appoint other
2 chiropractors licensed to practice in this state to perform such functions to maintain the
3 professional standards of the board. The board shall promulgate rules pursuant to chapter 1-26
4 that are reasonably necessary to carry out the provisions of this section. No monetary liability
5 on the part of, and no cause of action for damages may arise against any member of a duly
6 appointed disciplinary committee for any act or proceeding undertaken or performed within the
7 scope of the functions of the committee, if the committee member acts without malice, has made
8 a reasonable effort to obtain the facts of the matter on which the member acts, and acts in
9 reasonable belief that the action taken is warranted by the facts as known by the member after
10 a reasonable effort to obtain the facts. The provisions of this section do not affect the official
11 immunity of an officer or employee of a public corporation.

12 Section 5. That chapter 36-5 be amended by adding thereto a NEW SECTION to read as
13 follows:

14 The board of examiners may act as an ethics committee or may appoint other chiropractors
15 licensed to practice in this state to perform such functions to maintain the professional standards
16 of the board. The board shall promulgate rules pursuant to chapter 1-26 that are reasonably
17 necessary to carry out the provisions of this section. No monetary liability on the part of, and no
18 cause of action for damages may arise against any member of a duly appointed ethics committee
19 for any act or proceeding undertaken or performed within the scope of the functions of the
20 committee if the committee member acts without malice, has made a reasonable effort to obtain
21 the facts of the matter on which the member acts, and acts in the reasonable belief that the action
22 taken is warranted by the facts as known by the member after a reasonable effort to obtain the
23 facts. The provisions of this section do not affect the official immunity of an officer or employee
24 of a public corporation.